

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

SAVANNAH-CHATHAM FAIR )  
HOUSING COUNCIL, INC., )  
 )  
 Plaintiff, )  
 )  
 v. ) CV419-352  
 )  
 )  
 KARMINA GROUP, *et al.*, )  
 )  
 Defendants. )

**ORDER**

Having considered the parties' joint motion and stipulation, and good cause appearing therefor, **IT IS HEREBY ORDERED:**

1. That the joint motion is **GRANTED**, doc. 40;
2. That plaintiff's pending motions to amend the scheduling order, doc. 35, and for permission to file a second amended complaint, doc. 36, are withdrawn and **DISMISSED** as moot;
3. That plaintiff is directed to file the second amended complaint attached to the joint motion within seven days of the date of this Order, doc. 40-1;
4. That upon filing of the second amended complaint, plaintiff is directed to effect service on the two newly added defendants—Carlisle Village Homeowners Association, Inc. and Mark Crapps, individually and doing business as Groundmark Design LLC—and file proofs of service as required by Federal Rule of Civil Procedure 4;

5. That the two current defendants—Karima Group LLC and Carlisle Village LLC—shall have 21 days from the date of this Order<sup>1</sup> to answer or otherwise respond to the second amended complaint. Plaintiff's motion to dismiss their counterclaims, doc. 25, is **DISMISSED** as moot with leave to refile;
6. That Towne Park 82 LLC remains in this action as a counterclaimant. Since Towne Park answered jointly with defendants Karima Group and Carlisle Village and that answer is vitiated by the amendment, Towne Park is **DIRECTED** to file a separate counterclaim within the twenty-one-day period for filing responsive pleadings, provided above. As discussed below, that counterclaim will supersede the prior pleading. Accordingly, Plaintiff's motion to dismiss that counterclaim, doc. 25, is **DISMISSED** as moot with leave to refile;
7. That within seven days of the appearance of the newly added defendants, plaintiff is **DIRECTED** to supply each newly added defendant with a copy of each pleading filed in this action. Plaintiff is further **DIRECTED** to file a notice with the Court indicating its compliance and the manner in which it provided the pleadings to the newly added defendants;
8. That upon the appearance of the newly added defendants, plaintiff is **DIRECTED** to supply each newly added defendant with a copy of its discovery responses, productions, and disclosures and current defendants are **DIRECTED** to supply each newly added defendant with a copy of their discovery responses, productions and disclosures. Those materials must be provided no later than forty-eight hours prior to the scheduling conference, discussed below;

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<sup>1</sup> Given the seven-day period for plaintiff's filing of the second amended complaint, the twenty-one-day period ensures that defendants will have, at least, the fourteen-day response period provided in Federal Rule of Civil Procedure 15(a)(2).

9. That the deadlines in the current Scheduling Order, doc. 29, are **STAYED** for ninety days from the date of this Order; and,
10. That upon the appearance of the newly added defendants, plaintiff is **DIRECTED** to notify the undersigned's Courtroom Deputy Clerk of no fewer than three mutually convenient, proposed dates for conducting a Rule 16 scheduling conference. If any defendant has not appeared within ninety days of the date of this Order, all appearing parties are **DIRECTED** to confer and propose dates for a scheduling conference.

Upon filing, the second amended complaint will become the operative pleading, superseding all previous versions of the complaint. *See Malowney v. Fed. Collection Deposit Grp.*, 193 F.3d 1342, 1345 n. 1 (11th Cir. 1999) (“An amended complaint supersedes an original complaint”); *Varnes v. Local 91, Glass Bottle Blowers Ass’n of U.S. & Canada*, 674 F.2d 1365, 1370 n. 6 (11th Cir. 1982) (“As a general rule, an amended complaint supersedes and replaces the original complaint unless the amendment specifically refers to or adopts the earlier pleading.”). The Clerk is **DIRECTED** to amend the docket accordingly.

**SO ORDERED**, this 15th day of October, 2020.

  
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CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA